



Vorys, Sater, Seymour and Pease LLP  
Legal Counsel

301 East Fourth Street, Suite 3500  
Great American Tower  
Cincinnati, Ohio 45202

513.723.4000 | [www.vorys.com](http://www.vorys.com)

Founded 1909

Andrew M. Shonebarger, Paralegal  
Direct Dial (513) 723-8599  
Cell Phone (513) 518-5601  
Direct Fax (513) 852-7893  
Email [amshonebarger@vorys.com](mailto:amshonebarger@vorys.com)

March 16, 2021

**VIA E-MAIL**

United States Environmental Protection Agency  
National Freedom of Information Officer  
1200 Pennsylvania Avenue, NW (28822T)  
Washington DC 20460  
[hq.foia@epa.gov](mailto:hq.foia@epa.gov)

Re: **AEP GENERATION RESOURCES INC./CCR DJ**  
*AEP Generation Resources, Inc. et al. v. AG Insurance SA/NV, et al.*, Case No.  
18-CV-004317, In the Court of Common Pleas, General Division, Franklin  
County, Ohio

Dear National Freedom of Information Officer:

Pursuant to 5 U.S.C. § 552 and 40 C.F.R. § 2.102, we submit this request for public records, consisting of any and all documents regarding certain environmental conditions related to the following power plant, including but not limited to the below described coal ash basin/pond and landfill site at the following facility:

Glen Lyn Plant<sup>1</sup> (hereinafter referred to as "Plant") – located at 100 Apco Road, Glen Lyn, VA 24093

- Bottom Ash Pond;
- Fly Ash Pond;
- Landfill;
- Any additional coal ash disposal facilities at the Plant.

The Plaintiffs in the above-captioned insurance coverage action concerning this power plant are AEP Generation Resources, Inc., Appalachian Power Company; Cardinal Operating Company; Kentucky Power Company; Ohio Power Company; and Wheeling Power Company

---

<sup>1</sup> Upon information and belief, the Glen Lyn Plant is owned and was operated by Appalachian Power Company and/or AEP Generation Resources, Inc. (a wholly-owned subsidiary of American Electric Power Company).

United States Environmental Protection Agency  
March 16, 2021  
Page 2

(along with predecessor, Columbus & Southern Ohio Electric Company collectively referred to herein as "AEP"). We ask that you include these entities in your search.

**Public Records Requests**

1. All documents regarding any actual or alleged coal combustion residuals ("CCR") discharge at or arising from the Plant, including, but not limited to:
  - a. Records of any investigation of those CCR discharges;
  - b. Records of groundwater monitoring related to such discharges;
  - c. Any report, complaint, or other document related to the migration of CCR constituents from ash ponds or landfill at the facility; and
  - d. All communications with AEP regarding such report, complaint or other document related to such discharges.
2. All reports or studies regarding actual or potential environmental contamination arising from the handling, storage, treatment or disposal of coal ash at the Plant, including actual or potential groundwater contamination and groundwater monitoring results.
3. All documents regarding AEP's obligation to address any actual or potential environmental contamination arising from the handling, storage, treatment or disposal of coal ash at the Plant, including groundwater contamination. This specifically includes, but is not limited to, all communications and correspondence with AEP regarding any investigative or remedial requirements at or arising from the Plant, and documents detailing compliance monitoring.
4. All documents regarding actual or alleged environmental permit violations by AEP related to the handling, storage, treatment or disposal of CCR at the Plant, and documents detailing permit compliance monitoring.
5. All documents related to any groundwater monitoring and corrective action prescribed by 40 C.F.R. § 257.90 *et seq.* or any other applicable standard at the Plant. This specifically includes, but is not limited to:
  - a. All communications with AEP regarding any increase over background levels for any constituent listed in appendices III and IV of 40 C.F.R. Part 257 (Criteria for

United States Environmental Protection Agency  
March 16, 2021  
Page 3

Classification of Solid Waste Disposal Facilities and Practices) (hereinafter referred to as "exceedances");

- b. Any site surveys and reports, summaries or recording prepared by the United States Environmental Protection Agency, Virginia Department of Environmental Quality and/or Virginia Department of Health regarding such exceedances; and
  - c. All communications with AEP regarding any groundwater protection standard established for any constituent in appendix IV detected in the groundwater prescribed by 40 C.F.R. § 257.95(h)
- 6. All reports, findings, or summaries of any inspection at the Plant.
  - 7. All documents, including, but not limited to, communications with AEP, relating to any seeps, leaks, spills and/or breaches at coal ash impoundments and/or storage areas at the Plant.
  - 8. All documents, including, but not limited to, communications with AEP, related to any actual or contemplated closure of any CCR impoundment at the Plant.
  - 9. All documents related to any investigation and/or remediation activity concerning CCR-related chemicals of concern at the Plant.
  - 10. All documents related to any investigation of naturally occurring concentration of any CCR constituent in soil or groundwater in or near the Plant.
  - 11. Any memoranda of agreement, consent agreements, covenants not to sue, no further action letters, variances and/or other agreements between the United States Environmental Protection Agency and AEP relating to the Plant.
  - 12. Any and all permits, applications, maps, photographs, internal memoranda, handwritten notes or memoranda, telephone notations, and statements and written records of any kind concerning the environmental investigation and/or remediation of any actual or alleged CCR discharges at or arising from the Plant.
  - 13. Any United States Environmental Protection Agency, Virginia Department of Environmental Quality and/or Virginia Department of Health memoranda interpreting the federal CCR Rules and how the rules will apply to the Plant at issue (or whether the state will institute its own rules/standards/program).

United States Environmental Protection Agency

March 16, 2021

Page 4

14. Any United States Environmental Protection Agency, Virginia Department of Environmental Quality and/or Virginia Department of Health memoranda/opinions/regulations defining more restrictive or different requirements than the federal CCR Rules.
15. Any United States Environmental Protection Agency, Virginia Department of Environmental Quality and/or Virginia Department of Health opinions related to compliance/remediation at the Plant.
16. Any information related to the environmental compliance history of the Plant or the history of the facility in general.

For purposes of this request, the term public "records" shall have the meaning defined in 5 U.S.C. § 552(0(2) and shall include all such records in the possession, custody or control of the United States Environmental Protection Agency as well as those prepared by, created by, or in the possession, custody or control of its agents, contractors, and subcontractors. This request specifically includes all emails, handwritten notes, letters, records of telephone conversations, drafts and reports.

If there are any fees for searching or copying these records, please inform us if the cost will exceed \$250. If you expect a significant delay in responding to and fulfilling this request, please contact us with information about when we might expect copies or the ability to inspect the requested records.

Thank you for considering our request.

Sincerely yours,

VORYS, SATER, SEYMOUR AND PEASE, LLP

/s/ Andrew M. Shonebarger

Andrew M. Shonebarger  
Environmental Paralegal

AMS/ams